

HEALTH FACILITY COMMITTEE MEETING
Cannon Health Building, Room 125
9:00 a.m., February 26, 1999

Members Present: Helen Rollins; Kathleen Fitzgerald; Joyce Wanta; Gayle Morawitz; Kathy Siskin; Glade Bigler; Michael Stransky; J. Stephen Anderson; Steven Bateman; Patrick Kronmiller; Travis Jackman.

Members Absent: Lou Ann B. Jorgensen; Leora Medina.

Staff: Debra Wynkoop-Green; Wendee Pippy; David Eagar; Larry Naylor; Bonnie Bigler.

The meeting was called to order at 9:05 a.m.

1. **Welcome**

Ms. Rollins welcomed all in attendance. Ms. Wynkoop-Green introduced new members Joyce Wanta and Glade Bigler to the committee. Ms. Wynkoop-Green had members introduce themselves to Ms. Wanta and Mr. Bigler.

2. **November 20, 1999 Minutes.**

Ms. Fitzgerald made a motion to accept the minutes of the November 20, 1999 minutes. Ms. Siskin seconded the motion. The **MOTION PASSED** unanimously.

3. **Licensure Actions/Sanctions.**

Mr. Eagar updated the committee on the Licensure Actions/Sanctions that have been processed since the November meeting.

Ms. Rollins inquired as to where the monies received from penalties go. Ms. Wynkoop-Green responded stating that any civil penalty monies go to the general fund.

4. **Sub-Committee Assignments**

a. Establish a Minimum Staff/Caregiver Ration (Rod Bettit's Letter)

Ms. Rollins asked for a volunteer from the committee to Chair this sub-committee. Ms. Kathleen Fitzgerald volunteered. Names have been submitted to serve on the committee per Ms. Wynkoop-Green. Ms. Wynkoop-Green recommended that Carol Bloswick serve on the committee. Mr. Anderson volunteered to serve on the sub-committee. Ms. Rollins requested that someone from the certified nurse aide program be invited to be a member on this sub-committee.

b. End-Of-Life Coordination of Forms

Ms. Rollins volunteered to chair the committee. Ms. Morawitz, Ms. Jackman and Ms. Siskin volunteered to serve on the committee.

Recruitment letters will be sent to all associations requesting submission of candidate names for both sub-committees.

5. **Rule Revisions**

Ms. Wynkoop-Green went over changes in the R432-2 rule with the committee.

Ms. Wynkoop-Green submitted the changes for approval. Mr. Stransky moved to accept the changes and move to rule making process. Ms. Rollins seconded the motion. The **MOTION PASSED** unanimously.

Ms. Wynkoop-Green went over changes in the R432-3 rule with the committee.

Ms. Wynkoop-Green submitted the changes for approval. Ms. Morawitz motioned to accept the changes and move to the rule making process. Mr. Bigler seconded the motion. Mr. Anderson inquired about CARF accreditation. Ms. Wynkoop-Green stated that facilities have not submitted a request for deemed status if they are CARF accredited. If this occurs, the Bureau will bring this information to the committee for rule change. The **MOTION PASSED** unanimously

Ms. Pippy reported on rules status:

R432-300 Small Health Care Facility Rules Type N and R432-150 Nursing Care Facility Rules will become effective February 25, 1999.

R432-1, General Licensing Definitions, became effective December 14, 1998.

R432-6 Assisted Living Construction Rule became effective January 29, 1999.

R432-270 Assisted Living Program Standards became effective January 29, 1999.

Ms. Pippy reported that copies will be mailed to the facilities.

6. **Year 2000 in health care facilities**

Doug Springmeyer - Primary facts allow health communities to be responsible for Y2K preparedness.

Mr. Bruce Murray, UAHA VP, distributed a handout prepared by the American Hospital Association "Summary of Findings (re: Y2K surveys from <http://www.aha.org/y2k/Surveysummary.html>), Year 2000 Readiness Disclosure" and also responses from IHC, Columbia Ogden Regional Medical Center, University of Utah, and Paracelsus – Mountain Region. Mr. Murray stated that UAHA has a tool to help the health industry become Y2K compliant. The tool is "Mission Critical", an executive briefing for CEO's and other health leaders.

Mr. Murray stated that 2/3 of the nation's health care will have a system failure. Whether it is because the facility hadn't been prepared or because of a third party (phone, water, electricity, 911, etc.). Discussion followed.

Ms. Joan Gallagos reported that Utah Health Care Association has been working with long-term care providers to implement Y2K changes as needed. Ms. Gallagos stated some concerns she has: (1) Facility readiness – through board of directors and mentors how does the information get out about Y2K preparedness to employees; (2) Relationships with vendors such as Power, water, phone, etc and to ensure compliance; (3) Interface

with billing agencies such as financial institutions, and Medicaid program (MMIS); and (4) Recommending Medicare prepare a simulation of Medicare's billing process.

Ms. Wynkoop-Green stated that the FDA sent an advisory that Y2K problems are happening early. Ms. Wynkoop-Green reported that defibrillators have malfunctioned due to problems with medical device clocks. Also, Digital TV sent out a signal which flat lined all monitors in an area. A letter from Digital TV stations is now required and will be required and will be sent to facilities on this prior to implementing a digital signal.

Mr. Randy Fisher stated he agrees with Mr. Murray's and Ms. Gallagos' concerns. Mr. Fisher stated that the Utah Department of Health has been working on the MMIS systems and are testing the system in Salt Lake City and in Richfield. Mr. Fisher reported that the Department feels comfortable that they will be compliant by 2000. HCFA has asked Medicare to be compliant by March 31, 1999, however there are concerns whether they will be compliant since they are not on schedule. Mr. Fisher reported that the Utah Department of Health Laboratory may not be compliant since out of 330 testing tools, approximately 25% cannot be tested or the manufacture cannot be identified resulting in a "see what happens" when the year 2000 arrives.

Mr. Fisher stated that the Governor's Coalition has met with the utility companies and the companies feel they can assure they will be ready. Discussion Followed.

Ms. Wynkoop-Green reported that some states have proposed rule making to ensure facilities are Y2K compliant and have implemented disaster preparedness plans. Discussion Followed. Mr. Bateman stated he doesn't feel the committee has the authority to ask what facilities are doing. He suggested the committee consider sending a letter of reminder that the facilities have an obligation to be complaint consistent with their desire to maintain a standard license. Ms. Rollins requested that if the letter is written resources be identified to assist healthcare facilities to be compliant with Y2K. Mr. Bateman suggested that facilities should keep records of their efforts to become compliant, not only in their own facilities but with third parties. Mr. Bateman moved that the Health Facility Committee, as it is now known, request Ms. Wynkoop-Green to send a letter to all license holders and potential applicants informing them that their ability to be granted or maintain the license is related to their ability to be Y2K compliant. Mr. Anderson seconded the motion and requested a copy of the letter be sent to the Governor and Mr. Rod Bettit. The **MOTION PASSED** unanimously.

7. **Issue Paper - Background Clearance Denials for Health Care Employees**

Ms. Wynkoop-Green discussed the issue paper with the committee. Mr. Stransky declared he supports the direction that the bureau has been taking thus far. He suggested looking at the conviction if it occurred during a period of time, such as 5 - 10 years, then the individual and the facility could request a variance. However, if their latest "hit" isn't even three years ago then it should be an automatic denial.

Ms. Wynkoop-Green went over the appeal process. Mr. Bateman, Mr. Anderson and Mr. Bigler stated they support the direction in which the bureau has taken.

Ms. Wynkoop-Green informed the committee that Senate Bill 194, Health Care Workers background check, is being amended for the "residency" issue to identify years lived in Utah. It will clarify that the a new employee has ten (10) working days to submit the BCI waiver form to the bureau.

Dr. Kronmiller and Ms. Jackman expressed concerned about trusting a person who lied on the BCI waiver form, even though the person might have wonderful recommendations. Ms. Wynkoop-Green stated that if a conviction is identified on the name screening the individual is requested to submit fingerprints for identification or provided an opportunity to amend their answer. Ms. Wynkoop-Green requested a vote. Mr. Anderson motioned that the bureau continue with the appeal process and protocol that is currently in place. Ms. Siskin seconded the motion. The **MOTION PASSED** unanimously.

8. **Issue Paper – Small Health Care Facilities – Type N**

Mr. Springmeyer requested that the committee review whether or not the level of scrutiny is sufficient to show the public that this is a "safe" facility. If a decision is made to continue to license this type of facility, should the level of care and rules be looked at to see if this is a safe environment? Mr. Springmeyer discussed the issue paper with the committee.

Ms. Morawetz stated that families are taking a risk to place their parents in a Type N facility. However, the responsibility should rest on the family's decision. Ms. Wynkoop-Green responded saying if a license is issued there are standards they agree to follow. Mr. Bateman inquired if when licensors survey Type N facilities, are they concerned? Is there marginal improvement we can do? Should rules be implemented to ensure safety? Would it take a step in improving safety, if the Health Facility Committee proposed new rules or would this be a massive increase in regulation? Discussion followed.

Ms. Rollins proposed putting this issue on next meetings agenda. Committee members requested a list of facilities and will review the rules.

9. **Issue Paper – Computer records at Hospitals**

Ms. Sharon McCombs reviewed the issue paper with the committee. Ms. Wynkoop-Green summarized the concerns over deficiencies which have been issued to health care facilities. The committee concurred that the intent of the rule was that the medical records should be complete (computer or hard copy) within 30 days of patient's discharge. The committee instructed the bureau to continue with issuing deficiencies for non-compliance. The issue will continue to be reviewed as agencies move to a more electronic patient record.

10. **Issue Paper – Home Health Agency**

Mr. Eagar reviewed the issue paper with the committee.

Mr. Dan Hill, Applegate Home Health Administrator, stated that the issue of supervision is not a problem. The state has lost 30 Home Health agencies and 25 Home Health branches within the last 12 months. With the changes in Medicare funding, he expressed concern that if this “financial attack” continues, there will be a reduced access to Home Health services. Ms. Fitzgerald reported she has received calls from other Home Health agencies who report the same thing. If there is an additional financial burden, the Home Health agencies will continue to close. Discussion followed.

Ms. Rollins inquired as to how many agencies would need to request a variance?

Ms. Fitzgerald stated it would be six to eight. Ms. Wynkoop-Green agreed however, she would like a separate administrator at each “sub-unit.” Ms. Fitzgerald made a motion that the home health agencies should be able to request a variance for their sub-units not to have to obtain a separate license but should have an administrator on site.

Ms. Jackman seconded the motion. The **MOTION PASSED** unanimously.

11. **Update on Legislation**

Ms. Wynkoop-Green reported the following: SB 48 Access to Health Care facilities – Sponsor Senator Knudsen – Impact to the Health Facility Committee- Adds 2 members to the health facility committee.

SB 47 - City and County Zoning of health care – Clarifies that assisted living facilities are not residential facilities for the elderly.

SB 194 – Background checks for Health Care Facilities – Currently in House Rules – Amends residency status.

SB 39 – Office of Public Guardian – Second reading calendar – Provides for a guardian of last report.

The meeting adjourned at 12:00 a.m.